

KOBAYASHI, SUGITA & GODA

LEX R. SMITH 3485-0

THOMAS H. YEE 7344-0

First Hawaiian Center

999 Bishop Street, Suite 2600

Honolulu, Hawaii 96813

Telephone No. (808) 539-8700

Facsimile No. (808) 539-8799

Email: lrs@ksglaw.com

KIRKLAND & ELLIS LLP

Michael E. Baumann (CA Bar No. 145830)

Damian D. Capozzola (CA Bar No. 186412)

R. Olivia Samad (CA Bar No. 228611)

777 South Figueroa Street

Los Angeles, CA 90017

Telephone No. (213) 680-8400

Facsimile No. (213) 680-8500

Email: mbaumann@kirkland.com

Attorneys for Defendant

POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

, FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,

(Caption Continued)

) CIVIL NO. CV03-00385 SOM-LEK

) (Copyright)

)

) **DECLARATION OF R. OLIVIA**

) **SAMAD IN SUPPORT OF**

) **DEFENDANT PCT'S**

) **MEMORANDUM IN OPPOSITION**

) **TO PLAINTIFF WAYNE BERRY'S**

) **MOTION FOR AWARD AND**

) **ATTORNEY'S FEES AND FULL**

) **COSTS**

INC., et al.,

Defendants.

) Judge: Magistrate Leslie Kobayashi
) Trial Date: February 28, 2006
) Judgment Entered: March 9, 2006
) Hearing Date: May 05, 2006
) Hearing Time: 9:30 a.m.

**DECLARATION OF R. OLIVIA SAMAD IN SUPPORT OF DEFENDANT
PCT'S MEMORANDUM IN OPPOSITION TO PLAINTIFF WAYNE
BERRY'S MOTION FOR AWARD AND ATTORNEY'S FEES AND FULL
COSTS**

I, R. Olivia Samad, declare that:

1. I am an associate at Kirkland & Ellis, LLP, and one of the attorneys representing the Defendant Fleming (now the Post Confirmation Trust ("PCT")) in this case.
2. I am licensed to practice law in the State of California (SBN 228611) and have been admitted pro hac vice in this case.
3. I make this declaration based on my personal knowledge and belief. I know the following to be true through my work on this case. If called upon to do so I could and would competently testify as follows.
4. Attached as Exhibit "A" is a true and correct copy of letter from R. Wynne to T. Hogan dated July 13, 2004.
5. Attached as Exhibit "B" is a true and correct copy of excerpts of the Order Granting in Part, Denying in Part Berry's Motion for Summary Judgment dated June 27, 2005.
6. Attached as Exhibit "C" is a true and correct copy of Special Verdict Form dated March 07, 2006.
7. Attached as Exhibit "D" is a true and correct copy of a chart depicting examples of unrelated charges.
8. Attached as Exhibit "E" is a true and correct copy of a chart of examples of questionable expert fees.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information and belief in Los Angeles, California, on April 12, 2006.


R. Olivia Samad